



## San Diego County Farm Bureau

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November 24, 2004

John Minan, Chair  
California Regional Water Quality Control Board  
San Diego Region 9  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123-4340

Dear Chair Minan:

The Farm Bureau of San Diego County has closely followed the creation of the Basin Plan Amendment for Total Nitrogen and Total Phosphorus Total Maximum Daily Loads for Rainbow Creek (Rainbow Creek TMDL). We participated in the public workshop and public hearing held in 2002. Most recently we attended the public workshop on November 17, 2004.

Throughout the Rainbow Creek TMDL process it has been our concern that the directly affected parties - particularly farmers and property owners - be given ample notice and opportunity to be fully aware of the ramifications of your pending action. After attending the recent workshop we are concerned that this need has not been met. In testimony on May 8, 2002 we made the following comment:

*In reviewing the fifty-two listed events on Attachment D preceding today's public hearing, three involved public participation. Two in 1999, and one on April 11<sup>th</sup> of this year. While technically meeting the letter of the law, it is our hope that the Regional Board feels that every means available has been used to notify and engage the residents, property owners, farmers and nurserymen of the Rainbow Creek Watershed.*

At the November 17, 2004 workshop we were informed that the upcoming public hearing and the workshop were directly noticed only to the "interested parties" who had some previous contact with the project. We were also informed that the legal responsibility for notification was met with an obligatory newspaper placement. It also came to our attention that no public meetings or outreach had occurred since the public hearing on May 8, 2002. We believe this is woefully inadequate considering the possible impacts from the implementation of the Rainbow Creek TMDL.

We grant that the letter of the law for notification has been met. However, as a public agency embarking on an action with unprecedented impacts to the local community, the Regional Board has a responsibility to step beyond a purely regulatory role. It is our strong recommendation that the Regional Board conduct an outreach effort before taking the final action to adopt the Rainbow Creek TMDL. We suggest the following:

- Do not close public testimony at the conclusion of your December 8, 2004 public hearing.
- Notify directly every affected property owner and farmer in the Rainbow Creek area of the pending action.
- Conduct at least one well-noticed public workshop in a location convenient to the Rainbow Creek area. This workshop should be seen as an opportunity to educate the public on the Rainbow Creek TMDL.
- Conclude public testimony and take action on the Rainbow Creek TMDL only after you are secure in the knowledge that the public has had adequate notice and opportunity to participate.

Thank you for your consideration of our recommendations.

Sincerely,

A handwritten signature in dark ink, appearing to read "E. Larson", is written over a light blue rectangular background.

Eric Larson  
Executive Director

cc. Janet Keller, Board Member  
Richard Wright, Board Member  
Eric Anderson, Board Member  
John Robertus, RWQCB  
Benjamin Tobler, RWQCB  
Dennis Dickerson, McGuire Consulting  
Richard Watson, Richard Watson & Associates  
Paul Davy, Department of Agriculture Weights and Measures  
Jon Van Rhyn, Department of Public Works